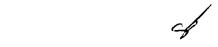


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/682,876	10/26/2001	Mark Duchow	670715-90029	1765
7:	590 02/03/2003			
HOWREY SIMON ARONLD & WHITE, LLP BOX NO.34 750 BERING DRIVE			EXAMINER	
			MYHRE, JAMES W	
HOUSTON,, TX 77057-2198			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No. **09/682,876**

Applicant(s)

Duchow

Examiner

James W. Myhre

Art Unit 3622



	The MAILING DATE of this communication appears on the cover sheet with the correspondence address
further under 3 allowa	EPLY FILED <u>Jan 29, 2003</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for nce; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination in compliance with 37 CFR 1.114.
	THE PERIOD FOR REPLY [check only a) or b)]
a) (\overline{X} The period for reply expires 3 months from the mailing date of the final rejection.
b) (The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).
exte app set	ensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate ension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The ropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originall in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the ling date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).
1. 🗆	A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. 🕱	The proposed amendment(s) will not be entered because:
(a) [they raise new issues that would require further consideration and/or search (see NOTE below);
_	they raise the issue of new matter (see NOTE below);
(c) L	they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) [\Box they present additional claims without canceling a corresponding number of finally rejected claims.
1	NOTE: The additional requirement of an exclusive "franchise" area of control was not previously searched.
3. 🗆	Applicant's reply has overcome the following rejection(s):
4. 🗆	Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. 🗆	The a) \square affidavit, b) \square exhibit, or c) \square request for reconsideration has been considered but does NOT place the application in condition for allowance because:
	The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
	For purposes of Appeal, the proposed amendment(s) a) \mathbb{X} will not be entered or b) \mathbb{Q} will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
	The status of the claim(s) is (or will be) as follows:
	Claim(s) allowed:
	Claim(s) objected to: Claim(s) rejected: 2-12, 14-21, and 24-55
	Claim(s) withdrawn from consideration:
8. 🗆	The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner
	Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s)
	Other: PATENT EXAMINER ART UNIT 3622